

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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THOMAS BROWN, Individually And  
On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

CHINA SUNERGY CO., LTD.,  
TINGXIU LU, JIANHUA ZHAO, JAMES  
SHAOFENG QI, GUANGYOU YIN,  
FENGMING ZHANG, SHILIANG GUO,  
MERRILL LYNCH, PIERCE, FENNER  
& SMITH INC., COWEN & CO, LLC.  
and JEFFERIES & CO., INC,

Defendants.

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**CIVIL ACTION NO. 07-7895**

**JUDGE DEBORAH A. BATTS**

(Caption continued on the following page)

**MOTION OF THE TONYAZ GROUP TO CONSOLIDATE RELATED ACTIONS; TO  
BE APPOINTED LEAD PLAINTIFF; AND TO APPROVE PROPOSED LEAD  
PLAINTIFF'S CHOICE OF COUNSEL**

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ADEL SESHTAWAY, Individually And  
On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

CHINA SUNERGY CO., LTD.,  
TINGXIU LU, JIANHUA ZHAO, JAMES  
SHAOFENG QI, GUANGYOU YIN,  
FENGMING ZHANG, SHILIANG GUO,  
MERRILL LYNCH, PIERCE, FENNER  
& SMITH INC., COWEN & CO, LLC.  
and JEFFERIES & CO., INC,

Defendants.

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**CIVIL ACTION NO. 07-8656**

**JUDGE DEBORAH A. BATTS**

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ANTHONY GIOMBETTI, Individually And  
On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

CHINA SUNERGY CO., LTD.,

Defendant.

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**CIVIL ACTION NO. 07-9689**

**JUDGE DEBORAH A. BATTS**

The Tonyaz Group (or “Movant”) respectfully moves this Court for an order: (1) consolidating all related actions; (2) appointing Movant as Lead Plaintiff in this action pursuant to Section 27(a)(3)(B) of the Securities Act of 1933 (the “Securities Act”), as amended by Section 101(a) of the Private Securities Litigation Reform Act of 1995 (“PLSRA”); and (3) approving its selection of the law firm of Kahn Gauthier Swick, LLC, as Lead Counsel for the Class.

The Tonyaz Group makes this Motion on the belief that it is the most “adequate plaintiff” as defined in the PSLRA because:

1. it has the largest financial interest in the relief sought by the Class and has incurred substantial losses in the amount of \$416,021.00 as a result of its members’ purchases of China Sunergy Co., Ltd. stock pursuant and/or traceable to the Company’s Registration Statement and Prospectus issued in connection with the May 17, 2007 initial public offering, and
2. it satisfies the typicality and adequacy requirements of Fed. R. Civ. P. Rule 23.

The Tonyaz Group further requests that the Court approve the selection of its counsel, Kahn Gauthier Swick, LLC, (“KGS”), as Lead Counsel for the Class. KGS has actively investigated the allegations raised against Defendants. KGS is a nationally-recognized law firm with significant class action, fraud, and complex litigation experience, and is a firm with the resources to effectively and properly pursue this action.

**WHEREFORE**, for all of the reasons set forth herein and in the Memorandum of Law and the Miller Declaration submitted herewith, the Tonyaz Group respectfully requests that this Court: (1) consolidate all related actions with the instant case; (2) appoint the Tonyaz Group as Lead Plaintiff pursuant to Section 27(a)(3)(B) of the Securities Act of 1933, as amended by the PSLRA; (3) approve the Tonyaz Group’s selection of Lead Counsel for the Class; and (4) grant such other and further relief as the Court may deem just and proper.

Dated: November 9, 2007

Respectfully submitted,

KAHN GAUTHIER SWICK, LLC

/s/ Kim E. Miller

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And

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*Counsel for The Tonyaz Group and  
Proposed Lead Counsel for the Class*

**CERTIFICATE OF SERVICE**

I hereby certify that this Motion was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on November 9, 2007.

/s/ Kim E. Miller  
Kim E. Miller